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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,178	04/09/2001	Tabitha Ferguson	555255012228	9229

7590 09/20/2004

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EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 09/20/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

17



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Commissioner for Patents

This action is in response to Applicant's amendment filed on April 6, 2004.

Election/Restrictions

1. Newly submitted claims 51-64 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The original claims 1-50 were directed toward a method of synchronizing messages between a first and second system comprising steps of comparing a first plurality messages from a first folder hierarchy of a first system to a second plurality messages from a second folder hierarchy of a second system, if common message is located then synchronizing the message by moving the common message to a new folder.

The new claims 51-64 are directed toward a method of synchronizing data message and command messages between a host system and a mobile device via a wireless network, comprising steps of immediately transmitting a copy of the data message to the host system via the wireless network after they are generated at the mobile device; bundling command message generated from user-initiated commands at the mobile device but delaying the transmission until a predetermined time has occurred. None of these new features were required for the originally examined invention, and because the new claims are directed toward a different invention than the originally examined claims, the restriction is therefore proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 51-64 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on April 6, 2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention for the reasons stated above. The amendment has thus not been entered.

Non-Responsive Amendment

2. The reply filed on April 6, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has failed to address the rejections made regarding the originally examined claims. See 37 CFR 1.111.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)746-7240

Khanh Pham
a/16/2004